

1761



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael T. Wuesthoff, et al.

U.S. Serial No.

09/845,233

Filing Date:

April 30, 2001

For:

Method for the Direct Esterfication  
of Sorbitol With Fatty Acids

Group Art Unit:

1761

Examiner:

Not Yet Known

Attorney Docket No.

DANI-0005USCON

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R.**

**§1.97(b)(3)**

Assistant Commissioner for Patents

P.O. Box 2327

Arlington, VA 22202

Sir:

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**TC 1700**

Pursuant to 37 C.F.R. §1.56 and 1.97(b)(3), Applicants bring to the attention of the Examiner the documents listed on the attached Substitute Form PTO 1449 (in duplicate). As this Information Disclosure Statement is being filed before the issuance of the First Office Action no fee is believed to be due. However, if any fee is due; the Commissioner is authorized to charge Deposit Account No. 50-0462. Moreover, please credit any overpayment to Deposit Account No. 50-0462.

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8**

I certify that this document, along with any document referred to as being attached, is being deposited with the U.S. Postal Service as first class mail under 37 C.F.R. §1.8 and is addressed to the Assistant Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202.

*Lynne Wells*

Name of person signing document

*Lynne Wells*

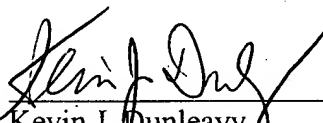
Signature of person signing document

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached Substitute PTO 1449 form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art". If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determined that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Patent Office the relevant facts and law regarding the appropriate status of such documents. Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Respectfully submitted,

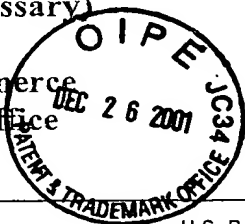
Date: December 17, 2001

  
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List of Patents and Publications  
Cited by Applicant  
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## U.S. PATENT DOCUMENTS

| EXAMINER<br>INITIAL |    | DOCUMENT NUMBER | DATE     | NAME               | CLASS | SUBCLASS | FILING DATE<br>IF APPROPRIATE |
|---------------------|----|-----------------|----------|--------------------|-------|----------|-------------------------------|
|                     | AA | 4,368,213       | 1/11/83  | Hollenbach et al.  |       |          |                               |
|                     | AB | 4,461,782       | 7/24/84  | Robbins et al.     |       |          |                               |
|                     | AC | 4,517,360       | 5/14/85  | Volpenhein         |       |          |                               |
|                     | AD | 4,883,684       | 11/28/89 | Yang               |       |          |                               |
|                     | AE | 4,931,552       | 6/5/90   | Gibson et al.      |       |          |                               |
|                     | AF | 4,952,687       | 8/28/90  | Bodor et al.       |       |          |                               |
|                     | AG | 5,055,571       | 10/8/91  | Van Lookeren       |       |          |                               |
|                     | AH | 5,130,151       | 7/14/92  | Averbach           |       |          |                               |
|                     | AI | 5,194,281       | 3/16/93  | Johnston et al.    |       |          |                               |
|                     | AJ | 5,211,979       | 5/18/93  | Bruijne et al.     |       |          |                               |
|                     | AK | 5,239,097       | 8/24/93  | Barkey Wolf et al. |       |          |                               |

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|--|----|-----------------|---------|---------|-------|----------|-------------|----|
|  |    |                 |         |         |       |          | YES         | NO |
|  | EA | WO 92/04360     | 3/19/92 | PCT     |       |          |             |    |
|  | EB | EP 0 233 856 B1 | 1/5/94  | Europe  |       |          |             |    |
|  | EC | EP 0 233 856 A2 | 2/19/87 | Europe  |       |          |             |    |
|  | ED | EP 0 290 420 B1 | 1/12/94 | Europe  |       |          |             |    |
|  | EE | EP 0 290 420 A2 | 5/6/88  | Europe  |       |          |             |    |

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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|----------------------|----|-----------------|----------|-------------------|-------|----------|-------------------------------|
|                      | AL | 5,250,155       | 10/5/93  | Zwanenburg et al. |       |          |                               |
|                      | AM | 5,306,515       | 4/26/94  | Letton et al.     |       |          |                               |
|                      | AN | 5,366,753       | 11/22/94 | Meyer et al.      |       |          |                               |
|                      | AO | 5,419,925       | 5/30/95  | Seiden et al.     |       |          |                               |
|                      | AP | 5,422,131       | 6/6/95   | Elsen et al.      |       |          |                               |
|                      | AQ | 5,472,728       | 12/5/95  | Miller et al.     |       |          |                               |
|                      | AR | 5,532,019       | 7/2/96   | Miller et al.     |       |          |                               |
|                      | AS | 5,536,524       | 7/16/96  | Miller            |       |          |                               |
|                      | AT | 5,580,966       | 12/3/96  | Buter et al.      |       |          |                               |
|                      | AU | 5,587,196       | 12/24/96 | Mehnert et al.    |       |          |                               |
|                      | AV | 5,534,284       | 7/9/96   | Corrigan et al.   |       |          |                               |

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|--|----|-----------------|---------|---------|-------|----------|-------------|----|
|  |    |                 |         |         |       |          | YES         | NO |
|  | EF | 0 290 420 A3    | 5/6/88  | Europe  |       |          |             |    |
|  | EG | WO 94/09637     | 5/11/94 | PCT     |       |          |             |    |
|  | EH | WO 94/09640     | 5/11/94 | PCT     |       |          |             |    |
|  | EI | EP 0 290 421 A3 | 5/6/88  | Europe  |       |          |             |    |
|  | EJ | EP 0 290 421 A2 | 5/6/88  | Europe  |       |          |             |    |

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

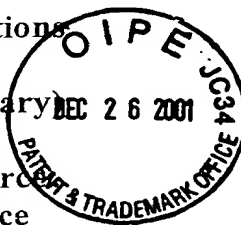
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|---------------------|-----------------|----------|-------------------------|-------|----------|-------------------------------|
| AW                  | 5,648,483       | 7/15/97  | Granberg et al.         |       |          |                               |
| AX                  | 5,767,257       | 6/16/98  | Schafermeyer et al.     |       |          |                               |
| AY                  | 5,039,544       | 8/13/91  | Lansbergen et al.       |       |          |                               |
| AZ                  | 5,043,438       | 8/27/91  | Buter                   |       |          |                               |
| BA                  | 5,064,677       | 11/21/91 | Cain et al.             |       |          |                               |
| BB                  | 5,079,355       | 1/7/92   | Meszaros Grechke et al. |       |          |                               |
| BC                  | 5,080,912       | 1/14/92  | Bodenstein et al.       |       |          |                               |
| BD                  | 5,144,023       | 9/1/92   | Willemse                |       |          |                               |
| BE                  | 5,225,049       | 7/6/93   | Barmentlo et al.        |       |          |                               |
| BF                  | 5,231,199       | 7/27/93  | Willemse                |       |          |                               |
| BG                  | 5,248,509       | 9/28/93  | Bruin                   |       |          |                               |

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|----|-----------------|---------|---------|-------|----------|-------------|----|
|    |                 |         |         |       |          | YES         | NO |
| EK | EP 0 290 421 B1 | 5/6/88  | Europe  |       |          |             |    |
| EL | EP 0 311 154 B1 | 4/1/88  | Euorpe  |       |          |             |    |
| EM | EP 0 311 154 A2 | 4/1/88  | Europe  |       |          |             |    |
| EN | EP 0 311 154 A3 | 4/1/88  | Europe  |       |          |             |    |
| EO | EP 0 236 288 B1 | 2/19/87 | Europe  |       |          |             |    |

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|----------------------|----|-----------------|----------|-----------------|-------|----------|-------------------------------|
|                      | BH | 4,382,924       | 5/10/83  | Berling et al.  |       |          |                               |
|                      | BI | 4,518,772       | 5/21/85  | Volpenhein      |       |          |                               |
|                      | BJ | 4,705,691       | 11/10/87 | Kupper et al.   |       |          |                               |
|                      | BK | 4,789,664       | 12/6/88  | Seligson et al. |       |          |                               |
|                      | BL | 4,797,300       | 1/10/98  | Jandacek et al. |       |          |                               |
|                      | BM | 4,806,632       | 2/21/89  | McCoy et al.    |       |          |                               |
|                      | BN | 4,810,516       | 3/7/89   | Kong-Chan       |       |          |                               |
|                      | BO | 4,822,875       | 4/18/89  | McCoy et al.    |       |          |                               |
|                      | BP | 4,835,001       | 5/30/89  | Mijae et al.    |       |          |                               |
|                      | BQ | 4,880,657       | 11/14/89 | Guffey et al.   |       |          |                               |
|                      | BR | 4,883,684       | 11/28/89 | Yang            |       |          |                               |

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|--|----|-----------------|----------|---------|-------|----------|-------------|----|
|  |    |                 |          |         |       |          | YES         | NO |
|  | EP | EP 0 236 288 A2 | 2/19/87  | Europe  |       |          |             |    |
|  | EQ | EP 0 271 963 B1 | 12/16/87 | Europe  |       |          |             |    |
|  | ER | EP 0 271 963 A2 | 12/16/87 | Europe  |       |          |             |    |
|  | ES | EP 0 271 963 A3 | 12/16/87 | Europe  |       |          |             |    |
|  | ET | EP 0 375 239 B1 | 12/11/89 | Europe  |       |          |             |    |

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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|---------------------|----|-----------------|----------|-------------------|-------|----------|-------------------------------|
|                     | BS | 4,940,601       | 7/10/90  | Orphanos et al.   |       |          |                               |
|                     | BT | 4,942,228       | 7/17/98  | Gibson            |       |          |                               |
|                     | BU | 4,960,602       | 10/2/90  | Talkington et al. |       |          |                               |
|                     | BV | 4,962,092       | 10/9/90  | Wood, Jr.         |       |          |                               |
|                     | BW | 5,006,360       | 4/9/91   | Howard et al.     |       |          |                               |
|                     | BX | 5,017,398       | 5/21/91  | Jandacek et al.   |       |          |                               |
|                     | BY | 5,021,256       | 6/4/91   | Guffey et al.     |       |          |                               |
|                     | BZ | 5,061,503       | 10/29/91 | Kong-Chang et al. |       |          |                               |
|                     | CA | 5,061,504       | 10/29/91 | Kong-Chang et al. |       |          |                               |
|                     | CB | 5,071,669       | 12/10/91 | Seiden            |       |          |                               |
|                     | CC | 5,084,295       | 1/28/92  | Whelan et al.     |       |          |                               |

**FOREIGN PATENT DOCUMENTS**

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|--|----|-----------------|----------|---------|-------|----------|-------------|----|
|  |    |                 |          |         |       |          | YES         | NO |
|  | EU | EP 0 375 239 A2 | 12/11/89 | Europe  |       |          |             |    |
|  | EV | WO 92/04361     | 3/19/92  | PCT     |       |          |             |    |
|  | EW | EP 0 424 066 A2 | 10/15/90 | Europe  |       |          |             |    |
|  | EX | EP 0 424 066 A3 | 10/15/90 | Europe  |       |          |             |    |
|  | EY | EP 0 550 526 B1 | 8/29/91  | Europe  |       |          |             |    |

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|                     | CD | 5,102,683       | 4/7/92   | Letton et al.       |       |          |                               |
|                     | CE | 5,124,301       | 6/23/92  | Wyness et al.       |       |          |                               |
|                     | CF | 5,147,675       | 9/15/92  | Gage et al.         |       |          |                               |
|                     | CG | 5,158,796       | 10/27/92 | Bernhardt et al.    |       |          |                               |
|                     | CH | 5,236,733       | 8/17/93  | Zimmerman et al.    |       |          |                               |
|                     | CI | 5,306,514       | 4/26/94  | Letton et al.       |       |          |                               |
|                     | CJ | 5,306,516       | 4/26/94  | Letton et al.       |       |          |                               |
|                     | CK | 5,308,640       | 5/3/94   | Baer et al.         |       |          |                               |
|                     | CL | 5,527,866       | 6/18/96  | Corrigan et al.     |       |          |                               |
|                     | CM | 5,534,284       | 7/9/96   | Corrigan et al.     |       |          |                               |
|                     | CN | 5,767,257       | 6/16/98  | Schafermeyer et al. |       |          |                               |

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|  |    |                 |         |         |       |          | YES         | NO |
|  | EZ | WO 98/03525     | 1/29/98 | PCT     |       |          |             |    |
|  | FA | WO 98/03527     | 1/29/98 | PCT     |       |          |             |    |
|  | FB | WO 98/06731     | 2/19/98 | PCT     |       |          |             |    |
|  | FC | WO 98/21219     | 5/22/98 | PCT     |       |          |             |    |
|  | FD | EP 0 256 585 B2 | 7/23/87 | Europe  |       |          |             |    |

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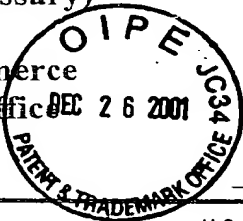
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|---------------------|----|-----------------|----------|------------------|-------|----------|-------------------------------|
|                     | CO | 5,314,707       | 5/24/94  | Kester et al.    |       |          |                               |
|                     | CP | 5,318,790       | 6/7/94   | Houston et al.   |       |          |                               |
|                     | CQ | 5,370,892       | 12/6/94  | El-Nokaly et al. |       |          |                               |
|                     | CR | 5,451,416       | 9/19/95  | Johnston et al.  |       |          |                               |
|                     | CS | 5,480,667       | 1/2/96   | Corrigan et al.  |       |          |                               |
|                     | CT | 5,491,226       | 2/13/96  | Kenneally        |       |          |                               |
|                     | CU | 5,559,226       | 9/24/96  | Sarama           |       |          |                               |
|                     | CV | 4,611,055       | 9/9/86   | Yamamoto et al.  |       |          |                               |
|                     | CW | 4,334,061       | 6/8/82   | Bossier, III     |       |          |                               |
|                     | CX | 5,504,202       | 4/2/96   | Hutchinson       |       |          |                               |
|                     | CY | 5,474,795       | 12/12/95 | Surber et al.    |       |          |                               |

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|--|----|-----------------|---------|---------|-------|----------|-------------|----|
|  |    |                 |         |         |       |          | YES         | NO |
|  | FE | EP 0 256 585 A1 | 7/23/87 | Europe  |       |          |             |    |
|  | FF | EP 0 350 981 B1 | 6/21/89 | Europe  |       |          |             |    |
|  | FG | EP 0 350 981 A1 | 6/21/89 | Europe  |       |          |             |    |
|  | FH | EP 0 350 986 B1 | 6/27/89 | Europe  |       |          |             |    |
|  | FI | EP 0 350 986 A1 | 6/27/89 | Europe  |       |          |             |    |

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|----------------------|----|-----------------|----------|----------------|-------|----------|-------------------------------|
|                      | CZ | 5,486,372       | 1/23/96  | Martin et al.  |       |          |                               |
|                      | DA | 5,518,754       | 5/12/96  | Miller et al.  |       |          |                               |
|                      | DB | 5,596,085       | 1/21/97  | Silver et al.  |       |          |                               |
|                      | DC | 5,681,948       | 10/28/97 | Miller et al.  |       |          |                               |
|                      | DD | 5,378,478       | 1/3/95   | Miller et al.  |       |          |                               |
|                      | DE | 5,440,027       | 8/8/95   | Hasenhuettl    |       |          |                               |
|                      | DF | 4,973,682       | 11/27/90 | Willemse       |       |          |                               |
|                      | DG | 4,968,791       | 11/6/90  | Van Der Plank  |       |          |                               |
|                      | DH | 4,954,621       | 9/4/90   | Massoka et al. |       |          |                               |
|                      | DI | 4,973,681       | 11/27/90 | Watanabe       |       |          |                               |
|                      | DJ | 4,877,871       | 10/31/89 | Klemann et al. |       |          |                               |

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Docket No.  
DANI-0005USCON

Serial No.  
09/845,233

Applicant

Michael T. Wuesthoff, et al.

Filing Date

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|  | FO | EP 0 354 600 A3 | 2/15/89  | Europe  |       |          |             |    |
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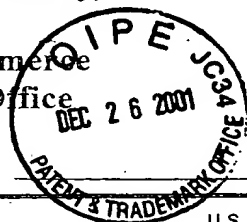
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|  | GE | EP 0 256 585 B2 | 7/23/87  | Europe  |       |          |             |    |
|  | GF | EP 0 384 508 B1 | 2/6/90   | Europe  |       |          |             |    |
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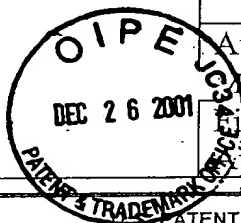
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|  | GO | EP 0 548 272 B1 | 8/3/91   | Europe  |       |          |             |    |
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|  | GQ | KR 9108734      | 10/19/91 | Korea   |       |          |             | ✓  |
|  | GR | KR 9210520      | 12/4/92  | Korea   |       |          |             | ✓  |

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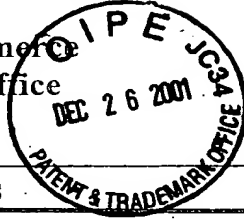
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